## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

STEVEN S. COSTNER, SR.,	)	
Plaintiff,	)	
V.	)	3:24-CV-453-KAC-DCP
	)	
SHAWN GRAM, et al.,	)	
Defendants.	)	

## ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING ACTION

This action is before the Court on United States Magistrate Judge Debra C. Poplin's Report and Recommendation ("Report") [Doc. 12]. On November 6, 2024, Plaintiff Steven S. Costner Sr., who is proceeding pro se, filed a Complaint [Doc. 1] against Defendants. Upon screening the Complaint, the Report concluded that the Complaint failed to state a plausible claim against any Defendant [See Doc. 12 at 6-8]. The Report further concluded that granting Plaintiff leave to amend sua sponte would be futile due to the significant deficiencies in the Complaint [See id. at 8]. Therefore, the Report recommends that the undersigned dismiss the Complaint [See id. at 9]. Plaintiff has not objected to the Report, and the time to do so has passed [See id., n. 12 (providing fourteen (14) days to file any objections to the Report)]. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P.72(b)(2).

As the Report ably analyzed, the Complaint, liberally construed, fails to state any claim upon which relief may be granted against any Defendant [See id. at 6-8]. Because the Complaint

<sup>&</sup>lt;sup>1</sup> The Report also indicated that to the extent the Complaint could be read to assert a legal malpractice claim, not a federal claim under 42 U.S.C. § 1983, the Court would lack an independent basis to exercise jurisdiction over a legal malpractice claim [See Doc. 12 at 7 n.9].

fails to state a claim and amendment would be futile, it is appropriate to dismiss the Complaint. *See Wershe v. City of Detroit, Mich.*, 112 F.4th 357, 372 (6th Cir. 2024) ("Dismissal with prejudice is appropriate when the complaint could not be saved by an amendment" (internal quotation omitted)). Accordingly, the Court **ACCEPTS** and **ADOPTS** the Report [Doc. 12] under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2) and **DISMISSES** the Complaint [Doc. 1]. An appropriate judgment shall enter.

SO ORDERED.

KATHERINE A. CRYTZER United States Districe Judge